



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT NAIROBI APPELLATE SIDE  
CRIMINAL APPEAL NO. 122 OF 1996**

**(From Original Conviction(s) and Sentence(s) in Criminal Appeal No. 3049 of 1994 of the Principal  
Magistrate's Court at MAKADARA M.M. MUYA**

**JAMES ONYANGO MUNDANYA.....APPELLANT  
VERSUS  
REPUBLIC.....RESPONDENT**

**J U D G M E N T**

The appellant was convicted of the offence of preparation to commit a felony in count one and being in possession of cannabis sativa in count two.

On count one he was sentenced to 2 years imprisonment with one stroke of the cane and on count two he was sentenced to 6 months imprisonment. He appealed.

The two witnesses called by the prosecution were both police officers. Their respective testimonies were consistent and corroborative, both in the arrest and recovery of the offensive subject matter. Viewed against the defence offered by the appellant, the learned trial magistrate was right to find the evidence adduced by the prosecution to be credible. The conviction was well founded and sentences merited. There is nothing on record to show that the offences which were being tried related to my other so as to lead the court order the sentences to run concurrent with any other except those imposed. In any case the appellant has already served the sentences save that he cannot be released as he is still serving sentences in matters not related to the present. In the end the appeal is dismissed.

Order accordingly

**Dated and delivered at Nairobi this 18th day of December, 1998**

**A. MBOGHOLI MSAGHA**

**JUDGE**